

**LAKESIDE COMMUNITY COUNCIL MEETING – June 2013 – open to the public**

DATE: 06/25/2013 TIME: 7:00pm

PLACE: **NEW LOCATION: QRU building; 201 Bills Rd.; Lakeside**

NOTICED: County P&Z website Calendar of Events page; in Library and Post Office in Lakeside, submitted to DIL Daybook column.

**AGENDA:**

1. Call to order and Sign-in sheet passed.
2. Public Comment for items not on the agenda
3. Approve Agenda: Approve agenda for 05/28.
4. Approve prior meeting minutes: Approve meeting minutes from May 2013
5. Review/recommendations on any County applications in the Lakeside planning area (if any are scheduled): none
6. Guest presentations or reports (listed below, if any are scheduled): None
7. Sub-committee reports from any LCC authorized subcommittees (listed below, if any are scheduled): No sub-committees currently active.
8. Procedural discussions or items (listed below, if any are scheduled)
  - a. By-Laws – status update from P&Z
  - b. Adams St. Issues
    - i. Draft council Letter to County regarding Adams Street issues - Gene.
  - c. Move meeting location to QRU...
    - i. publicizing
    - ii. guidelines for use from QRU
    - iii. Council needs a signed copy approving our use for our files
  - d. Updates, if any, on Solid Waste facility elimination – David
9. Lakeside Plan Implementation Strategies and beginning update for next plan:
  - a. See BJ Grieve's email below. Q&A and discussion between Council members and any P&Z or Legal staff attending.
  - b. Contacts with local agencies/organizations (fire/wildfire id'd as priority in last meeting – Mike): updates on status.
  - c. Blacktail Trail project update (if one is available)
  - d. Update on Safe Routes to Schools grant & progress (if one is available)
10. Meeting adjourned

NOTE: Public comment will be accepted on any agenda item when that item is being discussed.

**MEETING MINUTES:**

Council Members attending: Barb Miller, David Fetveit, JC Chaix, Gene Shellerud (quorum)

Council Members not attending: Meredith Coopman, Janet Conroy, Mike Wilson

P&Z attendees: Alex Hogle

Public: Jim Clark

**MINUTES**

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*Persons with a disability may request a reasonable accommodation by contacting Elaine Nelson at the Flathead County Commissioner's Office at 758-5501 or TTY (800) 335-7592, or call Montana Relay at 711. Requests should be made as early as possible to allow time to arrange the accommodation.*

1. Call to order: 7:03pm.
2. No public comment for items not on the agenda.
3. Barb motioned, Gene seconded, passed unanimously to approve meeting agenda.
4. Gene motioned, JC seconded, passed unanimously to approve May meeting minutes.
5. No county business to consider.
6. No guest presentations.
7. No sub-committees are active.
8. Procedural:
  - a. There was some confusion on the process to follow when proposing revisions to By-Laws. Barb will submit the proposed changes to the County Attorney for review before LCC signs them & submits them to P&Z to take to the Commissioners. Goal is for us to be able to sign the By-Laws in the July 30 meeting.
  - b. Gene did not yet have a draft letter regarding the Adams St. issues. David suggested a deadline of the July 30 meeting to have something for the LCC to review & approve.
  - c. Move to QRU was publicized in Lakeside-Somers Voice, Daily Inter Lake Daybook column & posters in the grocery store, Post Office, and library. A sign was left on the Sewer District Building door for tonight's meeting, re-directing anyone who went there to the QRU. LCC members all got copies of 'guidelines for use of the QRU'. For LCC files, Barb requested a signed approval form where QRU approved our use of the building.
  - d. Solid Waste consolidation: County still working on Bigfork. David indicated that Prunty said there would be no public meetings scheduled regarding Lakeside until Bigfork is resolved. There is a 6 month grant to explore options for Bigfork and there may be some solutions for them. No time commitment exists – could be 6 months to 1 ½ years before Lakeside is considered.
9. Lakeside Plan:
  - a. According to BJ's email and Alex confirmed, the revision to the Plan is not authorized. LCC feels there is work that could be done (e.g., evaluating it for out of date info, gathering up to date situational data, etc.) without P&Z or any formal authorization. MCA language on NP's stated they should be reviewed every 5 years (though the Flathead Growth Policy removed that language in the latest revision). It was suggested that we put together a scope of work & discuss with the Planning Board and Commissioners what we would like to do.
  - b. No contacts with other agencies yet; Gene asked QRU for an update – Barb will put on July agenda.
  - c. Blacktail Trail: TD&H Engineering selected as design bid winner. P&Z working on getting contract in place for survey and preliminary engineering study; design & engineering should be done by the fall. Construction RFP & bids can occur over the winter and construction can happen in the spring. Easements may need work.
  - d. July meeting; Johanna Bangeman will attend with an update on the Safe Routes to Schools study & report.
10. Meeting adjourned at 7:50pm.

-----Original Message-----

**From:** [BJ Grieve](#)

**Date:** 5/31/2013 9:47:30 AM

**To:** [beach2mnts@bresnan.net](mailto:beach2mnts@bresnan.net); [craigkoontz@hotmail.com](mailto:craigkoontz@hotmail.com); [mewilson@centurytel.net](mailto:mewilson@centurytel.net); [maximom35@aol.com](mailto:maximom35@aol.com); [meredith@edifishdesign.com](mailto:meredith@edifishdesign.com); [gene@westventureproperties.com](mailto:gene@westventureproperties.com); [dfetveit@gmail.com](mailto:dfetveit@gmail.com)

**Cc:** [Tara Fugina](#); [Caitlin Overland](#)

**Subject:** RE: question

Hi Barb, thanks for your email and the opportunity to share some thoughts, and answer your questions from your two emails yesterday (cut and pasted together below).

To begin with, the LCC's desire to *update* the Lakeside Neighborhood Plan is new to me. The last I knew the LCC was looking at creating subcommittees to look at *implementation* of the existing plan. Our office and the Co. Attny's Office had requested at your meetings that you not do this due to a lack of resources to assist and the ongoing litigation (even without an injunction, the issue is still pending at the Supreme Court).

I'm not sure that beginning a process to *update* the Lakeside Neighborhood Plan as you mention in your email below is really necessary, because you have the 2<sup>nd</sup> most recently updated plan out of all the neighborhood plans in Flathead County. There are plans out there waiting to be updated that are from the 80s.

Of course, I also have to be the wet blanket again (as I have a variety of times in the past at your meetings) and remind you that our office can't provide any assistance or resources to the LCC beyond the hours that we already spend attending and providing administrative assistance for your monthly meetings. Our discretionary work each year is set out by the Planning Board and they recently decided that for FY2014 we would be looking at the zoning regulations and not updating any neighborhood plans (see March 13, 2013 joint Planning Board/Commission workshop). Other areas of the county with plans much older than the Lakeside Plan requested to have theirs updated (Little Bitterroot Lake and West Valley), but the Planning Board decided to prioritize updating the zoning regulations.

The LCC's desire to "(undertake) a revision to the 2010 plan" (per your email below) puts our office in a bind. I can't provide resources (staff and \$) to LCC for work you've elected yourselves to do, but I also can't simply ignore what you're doing because you are an extension of the County and the County can be held accountable for the LCC's actions. Our office gets the phone calls and is perceived to be doing something wrong if people don't like what the LCC is doing.

Another problem...whatever the outcome of any LCC "project" is, the end-product (presumably based on your email below a revised plan?) has to be processed by our office and go before the Planning Board and Commission. According to our adopted fee schedule (see attached), this application can only be processed as a "publicly initiated" application that is approved by a majority vote of the Planning Board and the Commission. If the LCC undertook a project without first requesting the work be done and having it on our work plan, and did it all without professional oversight and assistance of our office, it might be difficult for the Planning Board and the Commission to approve processing the "publicly initiated" application. They might and I can't speak for them, but again, the Planning Board and Commissioners were made aware of the list of discretionary project requests at the March 13 joint workshop and did not choose to assign staff to implementing or updating the Lakeside Neighborhood Plan.

Now, to answer your questions in your email: At this point, I can only offer to post agendas to our website, attend your meetings and post your minutes as we've been doing. This is already an expenditure of "planning services" tax revenue on the Lakeside community because most months you don't have land-use related files to review for which an applicant has paid a fee. Naturally, Lakeside pays taxes like everywhere else, but the expense of attending monthly meetings is in addition to the non-fee generating expenses to administer and

enforce the Lakeside zoning. I can't additionally offer the FCPZ website as a place to put drafts, etc. of a plan update you're electing yourselves to undertake because a separate page on our website and the time to maintain it for Lakeside would be an expenditure on a discretionary project that I've not been approved by the Planning Board/Commission to do. We can't pay for legal notices, advertising, etc. for the same reason. If the Planning Board authorized this project as work, we could obviously do all of this and would.

Meetings and workshops are the same and have the same notice and record-keeping requirements. Legal notices are required for meetings at which actions are being taken that require legal notice per statute, and LUACs don't need legal notices because statute doesn't recognize their advisory role. Notice of LUAC meetings should be done in conformance with the bylaws of the LUAC.

At this point I can only request again that the LCC not proceed with any resource-consuming implementation or update projects that create more administrative work that our work plan and budget can't accommodate. This was the subject of the July 5, 2011 letter from the Commissioners to the LUACs, and also subsequent requests from myself and the Co. Attny's Office when we've attended your meetings.

If the LCC wishes to continue meeting and fulfilling the purpose, duties and responsibilities listed in Articles 2 & 4 of your bylaws, then it has been authorized by the Commission (since they signed the bylaws) to do that. However, Articles 2 & 4 list advisory and communication roles that don't involve the expenditure of public funds for discretionary projects.

I know this probably isn't what you want to hear, but please understand the limits of our office and the limits of the LCC. I will cc this email to the entire LCC to make sure nothing is lost in translation. Please feel absolutely free to call me and clarify anything I've written above or to ask any additional questions you may have.

BJ Grieve, AICP®, CFM®  
Planning Director  
Flathead County Planning & Zoning  
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**From:** beach2mtns@bresnan.net [mailto:beach2mtns@bresnan.net]

**Sent:** Thursday, May 30, 2013 9:25 AM

**To:** BJ Grieve

**Subject:** Sorry.. Another question....

Should we... Can we... Post versions of the plan revision on your website as we proceed working on it? There's no other website we can use.

... Barb Miller ...

**From:** beach2mtns@bresnan.net [mailto:beach2mtns@bresnan.net]

**Sent:** Thursday, May 30, 2013 9:00 AM

**To:** BJ Grieve

**Subject:** question

Do you have any documentation that describes the differences between and outlines requirements for a

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meeting versus a workshop? Lakeside Council will be undertaking a revision to the 2010 Plan using a part of our regularly scheduled monthly meeting to do the work and that part of our meeting should be considered a workshop. I want to make sure we adhere to any and all requirements.

We'll be doing a communication campaign in news media, the Lakeside-Somers Voice, posters, etc. announcing the work and inviting public participation. Do you think that should include legal notices and is it possible those notices could be done by P&Z because the Council has no funds?

Will P&Z participate?

Thanks for your help.

... Barb Miller ...

DRAFT